

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Filip Woroniecki	Team: Squad #12	CCRB Case #: 201801678	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/28/2018 7:11 PM	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 61	18 Mo. SOL 8/28/2019	EO SOL 8/28/2019	
Date/Time CV Reported Thu, 03/01/2018 11:30 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 03/01/2018 11:30 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Renninton Belen	26173	942757	PSA 1

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Darren Campbell	03589	961665	PSA 1

Officer(s)	Allegation	Investigator Recommendation
A.POM Renninton Belen	Abuse: Police Officer Renninton Belen interfered with § 87(2)(b) s use of a recording device.	[REDACTED]
B.POM Renninton Belen	Abuse: Police Officer Renninton Belen entered § 87(2)(b) in Brooklyn.	[REDACTED]

Case Summary

On March 1, 2018, § 87(2)(b) filed this complaint with the CCRB via phone.

On February 28, 2018, at about 7:11 p.m., § 87(2)(b) was inside of her apartment, located at § 87(2)(b) in Brooklyn, when she observed PO Renninton Belen and PO Darren Campbell of PSA 1 speaking to § 87(2)(b) her next-door neighbor, in the hallway leading to her apartment. § 87(2)(b) stood in the doorway of her apartment and recorded PO Belen and PO Campbell with her cellphone. PO Belen stated to § 87(2)(b) “Don’t take pictures of me” and allegedly instructed her to turn off her phone and close her door (**Allegation A: Abuse of authority – Interference with recording**, § 87(2)(g)). PO Belen then approached § 87(2)(b)’s opened door and extended his hand toward her cellphone (**also Allegation A: Abuse of authority – Interference with recording**, § 87(2)(g)). While doing so, PO Belen crossed the threshold of § 87(2)(b)’s apartment (**Allegation B: Abuse of authority – Entry of Premises**, § 87(2)(g)). After speaking to § 87(2)(b) inside of his apartment, PO Belen and PO Campbell left the location and § 87(2)(b) was not arrested or issued any summonses.

§ 87(2)(b) recorded the incident with her cellphone (Board Review 01).

Findings and Recommendations

Allegation A – Abuse of authority: Police Officer Renninton Belen interfered with § 87(2)(b)’s use of a recording device.

Allegation B – Abuse of Authority: Police Officer Renninton Belen entered § 87(2)(b) in Brooklyn.

§ 87(2)(b) stated that as she stood in the doorway of her apartment and recorded PO Belen and PO Campbell with her cellphone, PO Belen repeatedly instructed her to close the door and turn off her phone. § 87(2)(b) did not obey PO Belen’s command and instead remained standing inside of her apartment while pointing her cellphone in PO Belen’s direction. PO Belen then approached § 87(2)(b)’s door and extended his hand in the direction of her cellphone. While covering the lens of § 87(2)(b)’s cellphone with his hand for a few seconds, PO Belen’s forearm crossed inside of § 87(2)(b)’s apartment. PO Belen never asked for permission to enter § 87(2)(b)’s apartment (Board Review 02).

Video recording of the incident was obtained from § 87(2)(b)’s cellphone. Snag-it clip of the video was embedded below.



2018-05-22_10-16-48.mp4

At 00:01 on the recording, PO Belen states to § 87(2)(b) “Don’t take pictures of me” and the right side of his face is illuminated by the lighting in the hallway, located to PO Belen’s right and outside of the camera’s frame. The front and the left side of PO Belen’s face remain in the shadow. At 00:04 on the recording, PO Belen walks toward § 87(2)(b)’s open apartment door and raises his left hand in the direction of her camera, thereby covering his face from the recording. PO Belen’s arm lights up due to flash pointed at him by § 87(2)(b) and his arm covers the lens of § 87(2)(b)’s cellphone until about 00:24, when PO Belen lowers his hand and turns his body away from the camera. From 00:08 to 00:25 on the recording, PO Belen commands § 87(2)(b) to “turn off the flash” and instructs her to “close the door” on four occasions. At 00:08, § 87(2)(b) replies, “I can record standing in my apartment” and PO Belen

answers, “Turn off the flash, you can do whatever you wanna do.” At 00:15 mark, § 87(2)(b) points the camera down, which shows that PO Belen’s foot is positioned near the threshold of her apartment (Board Review 03).

In a phone statement, § 87(2)(b) stated that while he spoke with PO Belen and PO Campbell in the hallway leading to his and § 87(2)(b)’s apartment, he observed § 87(2)(b) standing in her doorway. § 87(2)(b) held a cellphone in her hand and § 87(2)(b) believed she was taking photographs because of the flash on her phone. § 87(2)(b) also heard one of the officers tell § 87(2)(b) not to take any photographs and instruct her to turn off the flash. § 87(2)(b) further stated that at one point in the incident, PO Belen stood in close proximity to § 87(2)(b)’s open door, however, he did not observe PO Belen place his hands through the threshold of § 87(2)(b)’s door or otherwise enter her apartment. § 87(2)(b) further noted that § 87(2)(b) yelled and cursed at the officers, though he could not recall any specific statements made by her. § 87(2)(b) stated that § 87(2)(b)’s interaction with the officers lasted between 10 to 15 minutes (Board Review 04).

PO Belen stated that as soon as he and PO Campbell arrived on § 87(2)(b) in Brooklyn, he observed § 87(2)(b) standing in the hallway with a cellphone in her hand. § 87(2)(b) had the flash on and she pointed the cellphone in PO Belen’s and PO Campbell’s direction. Upon seeing PO Belen and PO Campbell, § 87(2)(b) began yelling and cursing at them, though PO Belen did not remember any of the statements made by her. PO Belen instructed § 87(2)(b) to go back inside of her home and § 87(2)(b) positioned herself inside of the doorway of her apartment. PO Belen acknowledged approaching § 87(2)(b) once she went back inside of her apartment, however, he did not remember how close to her he was positioned. PO Belen then informed § 87(2)(b) that she could record, however, he instructed her to turn off the flash and explained that it was blinding him. PO Belen further informed § 87(2)(b) that he and PO Campbell were not at the location for her and commanded her to close the door. PO Belen did not remember how many times he instructed § 87(2)(b) to close the door and to turn off the flash, though he noted that § 87(2)(b) refused to obey these commands. PO Belen stated that as § 87(2)(b) pointed her cellphone at him, he extended his arm toward the camera’s flash to shield his eyes from bright light. PO Belen did not remember whether he crossed the threshold of § 87(2)(b)’s apartment while extending his arm toward the camera. PO Belen also stated that he “probably” told § 87(2)(b) not to take any photographs of him, however, he was unable to specify at what point in the incident this occurred (Board Review 05).

PO Campbell’s statement was generally consistent with that of PO Belen. However, PO Campbell denied that PO Belen approached § 87(2)(b)’s door and instead stated that he and PO Belen remained near § 87(2)(b) for the duration of the incident. PO Campbell did not observe § 87(2)(b) record the incident with her cellphone and he did not remember hearing PO Belen make any comments about § 87(2)(b) recording the incident. PO Campbell did not hear PO Belen instruct § 87(2)(b) not to take any photographs of him and he did not remember what PO Belen was doing with his hands at the time of his conversation with § 87(2)(b). PO Campbell did not recall whether PO Belen extended his arm in the direction of § 87(2)(b)’s camera at any point in the incident and he did not observe PO Belen’s arm cross the threshold of § 87(2)(b)’s apartment door (Board Review 06).

A person may record police activity unless the person engages in actions that endanger the safety of the officer, the suspect, or others in the vicinity; violate the law, or incite others to violate the law. A person may also record police action as long as their use of recording does not amount to obstruction of a police officer’s investigation and their zone of safety. The zone of

safety should only encompass the physical space necessary to safely perform police actions and at minimum, it is defined as “the span of an officer’s arms when he or she is engaged in enforcement activities” NYPD Legal Bureau Bulletin, Vol. 46, No. 2 (May, 2016) (Board Review 07).

Taking photographs, videotapes, or tape recordings of police actions does not constitute probable cause for arrest or detention unless such action endangers the safety of an officers or another person, or if said officer reasonably believes that they are endangered or the law is otherwise violated. NYPD Patrol Guide, Section 208-03 (Board Review 08).

Absent exigent circumstances, the threshold of a dwelling may not reasonably be crossed without a warrant. Payton v. New York, 445 U.S. 578 (Board Review 09).

§ 87(2)(b), § 87(2)(g)

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Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Belen has been a member of service for 11 years and has been the subject in 5 prior CCRB complaints involving 5 allegations, which were not substantiated or § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation for this case.
- § 87(2)(b)
- As of May 17, 2018, there was no Notice of Claim filed for this complaint (Board Review 13).

Squad No.: 12

Investigator:	_____	<u>INV. WORONIECKI</u>	<u>05/31/2018</u>
	Signature	Print Title & Name	Date

Squad Leader:	_____	<u>I.M. RIGIE</u>	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date